

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASHLEY ADAMS	:	
716 North Barrett Lane	:	
Christiana, DE 19702	:	DISTRICT COURT
PLAINTIFF	:	
	:	
v.	:	No. 04-251 JJF
	:	
JO ELLEN CHAPEN SHELDON	:	
708 Pebble Beach Drive	:	
Elkton, MD 21921	:	
	:	TRIAL BY JURY DEMANDED
DEFENDANT	:	

**Response of Defendant Sheldon to TWO MOTIONS of Plaintiff
including Plaintiff's Motion for Enlargement of Time
to Respond to Defendant's Motion for Summary Judgment
and Plaintiff's Motion for Order for Procedures
for Filing Summary Judgment Motions**

COMES NOW, Beth H. Christman, and Casarino, Christman & Shalk, P.A., to provide this Honorable Court with the response of defendant to plaintiff's motions to set procedures for filing summary judgment motions and for enlargement of time for response to defendant's motion for summary judgment, based upon the following.

1. The plaintiff's motions arise out of defendant's filing of a motion for summary judgment on June 27, 2007. The motion was made because plaintiff did not provide expert reports by the plaintiff's expert report deadline and will not be able to establish a prima facie case as to her damages against the defendant in this matter.

2. Plaintiff has also filed a motion to deny or dismiss

the motion for summary judgment to which a response has already been filed. As to the motion for enlargement of time to respond to defendant's motion for summary judgment, defendant is agreeable to giving plaintiff a reasonable additional period of time to respond to the motion for summary judgment. Defendant is willing to give the plaintiff 30 days from the date of the original deadline to respond to the motion if the court so permits.

3. In her motion, plaintiff provides numerous statements regarding conversations she states were had between herself and the undersigned. The undersigned will not respond to all of these comments as the undersigned is not a witness in this matter and is representing the defendant. The undersigned has filed a motion for summary judgment on behalf of the defendant based on the current record and the plaintiff may respond on the merits to that motion.

4. The defendant does not believe there is any discovery dispute in this matter. Rather, the defendant has asserted that the plaintiff has not properly identified experts with appropriate reports in this matter as noted in the motion for summary judgment and corresponding brief.

5. The motion of plaintiff for the Order for procedures for filing summary judgment motions also includes statements by plaintiff regarding conversations she indicates were had with the

undersigned. Again, the undersigned will not comment upon all of the statements made by the plaintiff other than to state that the undersigned has copies of numerous medical records pertaining to the plaintiff. As noted in the opening brief and motion for summary judgment, it is the defendant's position that the records provided do not meet *Daubert* requirements to allow the physicians to testify in this matter. In addition, defendant will rely on all of the arguments set forth in the opening brief and motion for summary judgment.

6. Defendant will not object to the court providing an order for procedures for filing summary judgment motions. However, as stated in defendant's response to plaintiff's motion to deny or dismiss the motion for summary judgment because no procedures have been set for filing summary judgment motions, the fact that no summary judgment procedures have been set does not prevent the defendant from having filed a motion for summary judgment in this case. That motion should be heard on its merits.

For the foregoing reasons, the defendant asks that the court enlarge plaintiff's time to respond to defendant's motion for summary judgment to August 20, 2007.

Respectfully submitted,

/S/Beth H. Christman
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DATE: July 30, 2007